

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MONIQUE RUSSELL, JASMINE RIGGINS,
ELSA M. POWELL AND DESIRE EVANS,**

CIVIL ACTION NO. 18-5629

Plaintiffs,

v.

**EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES,**

Defendant.

DECLARATION OF ROBIN S. WEISS

1. I am an attorney representing the named Plaintiffs in the above-captioned action.
2. I submit this Declaration in support of Plaintiffs' Objections to Defendant's Bill of Costs.
3. Attached hereto as Exhibit 1 is a true and correct copy of an Affidavit of named Plaintiff Elsa Powell, which states *inter alia* that she has five children, that she has no significant assets and no savings, that her family's monthly expenses consume all of their monthly income, and that she cannot afford to pay the Defendant's alleged costs. *See* Ex. 1, ¶¶ 5-9.
4. Attached hereto as Exhibit 2 is a true and correct copy of an Affidavit of named Plaintiff Desire Evans, which states *inter alia* that she is a single mother, that she has no significant assets and no savings, that her monthly expenses consume all of her monthly income, that she is three (3) months behind on her mortgage, and that she cannot afford to pay the Defendant's alleged costs. *See* Ex. 2, ¶¶ 5-10.

5. Attached hereto as Exhibit 3 are relevant portions of the September 12, 2019 deposition transcript¹ of named Plaintiff Jasmine Riggins, who testified that she was an unmarried mother to three children, that her highest level of education is a high school GED, and that she worked part time at a sandwich shop. *See Ex. 2*, at 20:7-16, 21:12-25. Prior jobs included jobs at Home Depot and a bakery. *Id.*, at 22:24 – 23:21.

6. Attached hereto as Exhibit 4 are relevant portions of the September 16, 2019 deposition transcript of named Plaintiff Monique Russell, who testified that at the time, she was working as a curriculum coordinator in Costa Rica, where she lived with her husband and son, who was 3 years old at the time of the deposition. *See Ex. 3*, at 10:24 – 12:22.

7. Counsel for Plaintiffs is attempting to obtain affidavits from Jasmine Riggins and/or Monique Russell regarding their current financial situation in further support of Plaintiffs' Objections to Defendant's Bill of Costs, which Counsel believes will demonstrate they likewise cannot afford to pay the Defendant's alleged costs in this matter and/or that such payment would result in undue hardship. Counsel will supplement this filing with any additional affidavits upon receipt.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

Dated: 11/13/2023

s/ Robin S. Weiss
Robin S. Weiss
Clark Hill PLC
Two Commerce Square
2001 Market Street, Suite 2620
Philadelphia, PA 19103
(215) 640-8500
rsweiss@clarkhill.com

¹ The portions of deposition transcripts attached hereto contain redactions for minors' names, dates of birth, and full residential addresses.

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

MONIQUE RUSSELL, JASMINE
RIGGINS, ELSA M. POWELL AND
DESIRE EVANS,

Plaintiffs,

v.

EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES,

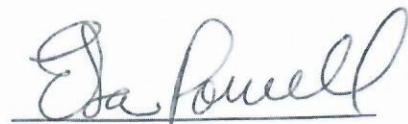
Defendant.

CIVIL ACTION NO. 18-
5629

AFFIDAVIT OF PLAINTIFF
ELSA M. POWELL

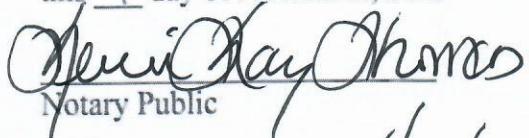
1. My name is Elsa M. Powell.
2. I submit this affidavit in opposition to Defendant's Bill of Costs with an itemization of claimed expenses of \$30,682.81.
3. I make this affidavit based on personal knowledge.
4. I am currently employed as an administrative assistant earning approximately \$53,102.40 per year.
5. I have no significant assets.
6. I have no savings.
7. I reside with my husband and five (5) children in Prince George's County, Maryland.

8. My family's income is spent on food, housing, utilities, gas, household goods, clothing, insurance, and debt. My family's monthly expenses consume all of our monthly income.
9. I cannot afford to pay the Defendant's alleged costs.
10. This concludes my Affidavit.



Elsa M. Powell

Subscribed and sworn before me
this 9 day of November, 2023



Kerrie Kay Thomas
Notary Public
My commission expires 11/16/27

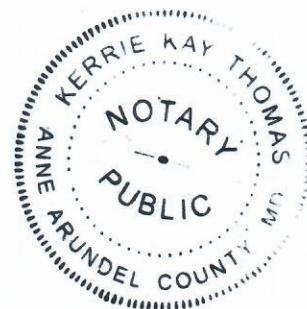


EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MONIQUE RUSSELL, JASMINE
RIGGINS, ELSA M. POWELL AND
DESIRE EVANS,**

CIVIL ACTION NO. 18-5629

Plaintiffs,

v.

**EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES,**

Defendant.

**AFFIDAVIT OF PLAINTIFF
DESIRE EVANS**

1. My name is Desire Evans.
2. I submit this affidavit in opposition to Defendant's Bill of Costs with an itemization of claimed expenses of \$30,682.81.
3. I make this affidavit based on personal knowledge.
4. I am currently employed as customer service representative earning approximately \$ 38000 per year.
5. I have no significant assets.
6. I have no savings.
7. I reside with my minor son in Prince George's County, Maryland. I am my son's sole caregiver as his father is not involved in his care or support.

8. My income is spent on food, housing, utilities, gas, household goods, clothing, and insurance. These monthly expenses consume all of my monthly income.
9. I am currently three (3) months behind on my mortgage, which is \$1,800 per month.
10. I cannot afford to pay the Defendant's alleged costs.
11. This concludes my Affidavit.



Desire Evans

Subscribed and sworn before me
this 13th day of November, 2023


Kerrie Kay Thomas
Notary Public

My commission expires 11/16/27

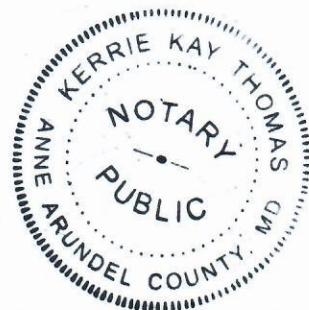


EXHIBIT 3

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA
3
4 -----

5 MONIQUE RUSSELL, JASMINE
6 RIGGINS, ELSA M. POWELL, and
7 DESIRE EVANS,

Plaintiffs,

Case No. 18-5629

v.

EDUCATIONAL COMMISSION FOR
8 FOREIGN MEDICAL GRADUATES,

Defendants.

9 -----

10 Washington, D.C.

11 Friday, September 12, 2019

12 Deposition of JASMINE RIGGINS, a witness
13 herein, called for examination by counsel for the
14 Defendant in the above-entitled matter, pursuant
15 to notice, the witness being duly sworn by Barbara
16 DeVico, a Notary Public in and for the District of
17 Columbia, taken at the offices of MORGAN, LEWIS &
18 BOCKIUS, LLP, 1111 Pennsylvania Avenue,
19 Washington, D.C., at 11:33 a.m.,
20 Thursday, September 12, 2019, and the proceedings
21 being taken down by Stenotype by BARBARA De VICO,
22 CRR, RMR, and transcribed under her direction.

23

24

25

1 APPEARANCES:

2 On Behalf of the Plaintiffs

3 CORY L. ZAJDEL, ESQUIRE

4 Z LAW, LLC

5 2345 York Road, #B-13

6 Timonium, MD 21093

7

8 On behalf of the Defendant:

9 BRIAN W. SHAFFER, ESQUIRE

10 MORGAN, LEWIS & BOCKIUS, LLP

11 1701 Market Street

12 Philadelphia, PA 19103-2921

13 brian.shaffer@morganlewis.com

14

15

16

17 Also Present: Nam Ngo, Videographer

18

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25

1 as Jasmine Riggins, correct?

2 A. Yes.

3 Q. Is your birthday [REDACTED], 1992?

4 A. Yes.

5 Q. And how old would that make you?

6 A. 27.

7 Q. Are you currently married?

8 A. No.

9 Q. Do you have any children?

10 A. Yes.

11 Q. How many children?

12 A. Three.

13 Q. And can you give me their names and
14 their current ages?

15 A. S [REDACTED] is 10, M [REDACTED] is 10, T [REDACTED]
16 will be two next month.

17 Q. Are S [REDACTED] and M [REDACTED] both boys?

18 A. Yes.

19 Q. And T [REDACTED] is a girl?

20 A. Yes.

21 Q. And earlier this year in your
22 deposition in the Dimensions case you indicated
23 that you were engaged. Is that status the same, or
24 has it changed?

25 A. It's the same.

1 Q. What's your current address?

2 A. 3 [REDACTED],

3 Washington, D.C. 20019.

4 Q. How long have you lived there?

5 A. Almost a year.

6 Q. You have a high school GED, is that
7 right?

8 A. Yes.

9 Q. Do you have any other subsequent
10 education beyond that?

11 A. No.

12 Q. Are you currently employed?

13 A. Yes.

14 Q. Where is that?

15 A. Potbelly Sandwich Shop.

16 Q. When did you start working there?

17 A. April of this year.

18 Q. And you've worked at Potbelly's
19 since April of this year?

20 A. Yes.

21 Q. And how many hours a week,
22 approximately, do you work?

23 A. About 22. Slower season.

24 Q. So is this part-time work?

25 A. Yes.

1 Q. Prior to working at Potbelly
2 starting earlier this year, had you worked -- had
3 you worked anywhere else in 2019, or was there a
4 period of time when you weren't working?

5 A. I was working at the Home Depot.

6 Q. And how long -- did you leave
7 directly from Home Depot and go to Potbelly, or was
8 there a break?

9 A. There was about a month break, a
10 month or so.

11 Q. And again for purposes of trying to
12 speed this up, in the Maryland Dimensions
13 Healthcare litigation you gave some written
14 response to questions.

15 Do you recall having done that? We call
16 them interrogatories.

17 A. Yes.

18 Q. And one of the interrogatories you
19 were asked in that case was to list your prior
20 employment. And you indicated in that case that
21 you had started working at Home Depot in March of
22 2017. Does that sound correct?

23 A. Yes.

24 Q. And so you worked at Home Depot from
25 March of 2017 to about February or March of 2019?

1 A. Yes.

2 Q. And then you started at Potbelly in
3 April of 2019 and are still working there through
4 today?

5 A. Yes.

6 Q. Great. Prior to working at Home
7 Depot starting in March of 2017, was there a period
8 of time before that that you were not working?
9 Immediately before, I'm looking at the beginning
10 part of 2017.

11 A. No. No.

12 Q. Where were you working when you
13 went, before you went to Home Depot?

14 A. At Paul Bakery.

15 Q. Got it. And how long did you work
16 there, approximately?

17 A. About almost two years.

18 Q. And would it be correct then to say
19 that you worked at Paul Bakery from about March of
20 2015 to March of 2017?

21 A. Yes.

22 Q. Was there a period of time between
23 Paul Bakery and Home Depot when you weren't
24 working, or did you go right from one to the next?

25 A. Yes, that's exactly what happened.

EXHIBIT 4

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA
3

4 - - - - - X

5 MONIQUE RUSSELL, JASMINE :
6 RIGGINS, ELSA M. POWELL :
7 and DESIRE EVANS, : Civil Action No.
8 Plaintiffs, : 18-5629
9 v. :
10 EDUCATIONAL COMMISSION FOR :
11 FOREIGN MEDICAL GRADUATES, :
12 Defendant. :
13 - - - - - X

14
15 Videotaped Deposition Of MONIQUE RUSSELL
16 Washington, D.C.

17 Monday, September 16, 2019

18 1:51 p.m.

19

20

21 Job No. 88394

22 Pages: 1 - 136

23 Reported by: Dana C. Ryan, RPR, CRR, CSR (GA)

24

25

Page 10	Page 12
<p>1 either the court reporter will read it back to you 2 or I'll try again to do a better job of asking my 3 question, okay?</p> <p>4 A Okay.</p> <p>5 Q Are you on any medication today that 6 would affect your ability to remember things or to 7 testify truthfully?</p> <p>8 A No.</p> <p>9 Q Okay. As you sit here today, can you 10 think of any reason why you couldn't testify 11 truthfully and answer questions to the best of 12 your ability?</p> <p>13 A No.</p> <p>14 Q Okay. Do you have any questions for me 15 before we start?</p> <p>16 A Not at this time.</p> <p>17 Q Okay. Can you give me your full name, 18 please?</p> <p>19 A Sure. My name is Monique Melissa 20 Russell.</p> <p>21 Q Okay. And your date of birth?</p> <p>22 A [REDACTED] 1977.</p> <p>23 Q And what's your current address?</p> <p>24 A In the States, it is [REDACTED] [REDACTED] Maryland 21401, but I am</p>	<p>1 meetings.</p> <p>2 Q And when you say the two schools, there 3 are two separate schools in Costa Rica?</p> <p>4 A No, they call them schools. Country 5 Day School is a campus that goes from early 6 childhood to high school, and so there are four 7 schools, the early childhood, elementary, middle 8 and high school, and I work with the two lower 9 schools.</p> <p>10 Q And are you in Costa Rica by yourself, 11 or is your family with you?</p> <p>12 A My family is with me.</p> <p>13 Q And who is that that's with you there?</p> <p>14 A My husband and my son.</p> <p>15 Q Okay. And your husband's name is?</p> <p>16 A Christopher William Russell.</p> <p>17 Q Okay. And how old is he?</p> <p>18 A He is -- how old am I? -- 46.</p> <p>19 Q And your son?</p> <p>20 A Is L [REDACTED].</p> <p>21 Q Okay. And how old is L [REDACTED]?</p> <p>22 A Three.</p> <p>23 Q Okay. And was L [REDACTED] born or [REDACTED], 24 2016?</p> <p>25 A Yes.</p>
<p>1 currently residing in Costa Rica on a two-year 2 contract.</p> <p>3 Q Okay. And when did you start your time 4 in Costa Rica?</p> <p>5 A On August of last year.</p> <p>6 Q So August of 2018?</p> <p>7 A Yes.</p> <p>8 Q And when are you scheduled to return 9 completely from the two-year contract? August of 10 '20?</p> <p>11 A I'm in the second year of my two-year 12 contract.</p> <p>13 Q And who is the contract with?</p> <p>14 A Country Day School.</p> <p>15 Q And what job are you doing in Costa 16 Rica for them?</p> <p>17 A I'm the curriculum coordinator for the 18 early childhood and elementary schools.</p> <p>19 Q And what is your responsibilities in 20 that job?</p> <p>21 A I work with the principals of both 22 schools on alignment of curriculum from 23 prekindergarten to fifth grade, and provide 24 training and professional development to all of 25 the teachers and work with them in planning</p>	<p>Page 11</p> <p>1 Q Okay. Do you have any other children?</p> <p>2 A No.</p> <p>3 Q And how long have you been married?</p> <p>4 A For five years in October.</p> <p>5 Q Okay. And you are here in Washington, 6 D.C. today having returned from Costa Rica; 7 correct?</p> <p>8 A Yes, I flew from Costa Rica.</p> <p>9 Q Okay. And when did you arrive here in 10 Washington?</p> <p>11 A Last night.</p> <p>12 Q Okay. And what, if anything, have you 13 done to prepare to come and testify here today in 14 this deposition?</p> <p>15 A I reviewed my interrogatories and the 16 paperwork of the course --</p> <p>17 Q Uh-huh.</p> <p>18 A -- of the case, but that's about it.</p> <p>19 Q Okay. You -- you have filed, as I 20 understand it, two different lawsuits related to 21 your interactions with a Dr. Charles Akoda; 22 correct?</p> <p>23 A Yes.</p> <p>24 Q Did you review materials related to 25 both of those cases before coming in to testify</p>